

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LARRY GEORGE,

Petitioner,

-v-

Case No. 05-C-699

JUDY SMITH, Warden,

Respondent.

DECISION AND ORDER

The *pro se* petitioner, Larry George (“George”), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court, in its Order of October 13, 2005, held that none of George’s claims were cognizable under § 2254. The Court decided, though, to give George the opportunity to amend his complaint and proceed under 42 U.S.C. § 1983 by November 15, 2005. George has not filed any pleading by the November 15, 2005 deadline. Accordingly, George’s case is dismissed without prejudice.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT**

Larry George's Petition for a Writ of Habeas Corpus (Docket #1) is
DISMISSED without prejudice.

The clerk is directed to enter judgment and close this case accordingly.

Dated at Milwaukee, Wisconsin, this 17th day of November, 2005.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge